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Docket No.: 065933-0068



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Yukihiro SUGIYAMA, et al. : Confirmation Number: 3298
Application No.: 10/751,524 : Group Art Unit: 1773
Filed: January 06, 2004 : Examiner: Le, Hoa T.

For: BONDED STRUCTURE INCLUDING A CARBON NANOTUBE

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following Amendment and Remarks are submitted in response to the Office Action
dated December 6, 2005.

disclosed by each of Davey and Smalley undermine the factual determination that either Davey or Smalley discloses a bonded structure identically corresponding to those claimed. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986). Applicants, therefore, submit that the imposed rejection of claims 1 through 16 under 35 U.S.C. § 102 for lack of novelty as evidenced by Davey, and the imposed rejection of claims 1 through 16 under 35 U.S.C. § 102 for lack of novelty as evidenced by Smalley, are not factually viable and, hence, solicit withdrawal thereof.

Based upon the foregoing it should be apparent that the imposed rejections have been overcome, and that all active claims are in condition for immediate allowance. Favorable consideration is, therefore, solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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